

TRANSCRIPT PREPARED BY THE IMPEACHMENT
INQUIRY STAFF FOR THE HOUSE JUDICIARY
COMMITTEE OF A RECORDING OF A MEETING
AMONGTHE PRESIDENT, JOHN DEAN, JOHN
EHRlichman, H.R. HALDEMAN AND JOHN MITCHELL
ON MARCH 22, 1973, FROM 1:57 TO 3:43 P.M.

July 3, 1974

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HALDEMAN AND JOHN MITCHELL ON MARCH 22, 1973, FROM 1:57 TO
3:43 P.M.*

PRESIDENT: Hello John, how are you? [Unintelligible]
MITCHELL: Mr. President [unintelligible] Nixon. Mr.
President, I'm just great. How are you?
PRESIDENT: You Wall Street lawyer --
MITCHELL: Yeah. I would hope that would be okay.
UNIDENTIFIED: I think so. Yeah. You have to admit it,
have to admit you're rich.
MITCHELL: Not in front of all these people that help
to collect taxes.
PRESIDENT: Well, we'll spend them for what you want.
[Unintelligible]
MITCHELL: But I, I can report, incidentally, that the
firm is doing quite well.
PRESIDENT: Are they?
EHRLICHMAN: Can't think of any reason why it shouldn't.
MITCHELL: I don't either.

*The quotation marks used in this transcript
are for convenience and do not indicate
verbatim quotation by the speaker.

EHRlichman: I assigned the log [unintelligible] on Saturday.

PRESIDENT: Yes, we know.

EHRlichman: Eastland is going to postpone any further hearings on Gray for two weeks. Try and let things cool off a little bit. He thinks Gray is dead on the floor.

PRESIDENT: [Unintelligible]

HALDEMAN: Gray's the symbol of wisdom, today, he accused your Counsel of being a liar.

DEAN: He may be dead 'cause I may shoot him.
[Laughter]

PRESIDENT: How's that?

HALDEMAN: He said, "Yes"; he thinks John, he thinks John Dean did lie to the FBI when he said he wasn't sure whether Hunt, whether, uh, Howard Hunt had an office in the White House.

DEAN: I said I had to check it out. When, uh, when the agents asked me if they could see the office -- was the way it occurred -- right after an interview. And I said I would have to check that out. And now it's been interpreted that I was lying to the FBI about the fact that

he had an office or didn't have an office here.

HALDEMAN: Which wasn't the question.

DEAN: Which wasn't the question.

HALDEMAN: [Unintelligible]. But the headline for tonight will be "Gray Says Dean Lied".

PRESIDENT: If Gray had been -- Gray apparently didn't know what the testimony was, is what, uh --

DEAN: He never really sought to find out the facts.

PRESIDENT: The question [unintelligible] earlier he just took the question without checking on it.

DEAN: The leading question -- Yeah, I think the question concerning the --

HALDEMAN: Yeah, the, you know, the --

MITCHELL: Well, another factor, those agents may [unintelligible]

DEAN: That's right.

HALDEMAN: Gray said that [unintelligible] FBI interview with Dean [unintelligible] question, he said, "I'll have to check it out" when asked if Hunt had a White House office.

He wasn't asked that. He was asked if they could see, see the White House office. Said, "I'll have to check that out."

PRESIDENT: Well, you, will --

HALDEMAN: So then says, "Did Dean lie to the agents?" Byrd asked Gray. "Looking back I would have to conclude that you were -- everything was correct in what you say."

PRESIDENT: Yeah, but, uh --

DEAN: It's such an irrelevant point even, that's the funny thing.

PRESIDENT: Well, as a matter of fact, uh [unintelligible] such a thing that --

DEAN: They're working on it right now.

PRESIDENT: [Unintelligible] talk to Radford?

DEAN: I think so.

PRESIDENT: Yeah, but [unintelligible] wasn't Gray responsible? Wasn't Gray responsible for that?

DEAN: Well, Bull has the matter right now. I just talked to him. He said he's quite frightened to sit down, frightened somebody is talking to you right now because, uh, uh,

Byrd has indicated he'd like to have all the records of all the conversations we've had since the hearings started. How does he think you have called me, initiated the calls, to report on their hearings -- wasn't a problem.

HALDEMAN: Well, Hunt was on the [snap fingers]

DEAN: He's a very down man right now, I might say also.

MITCHELL: Did you check the specific FBI reports?

DEAN: Uh, they are trying to find it over there right now. They are trying to find just how the draft of the transcript originated. And,

HALDEMAN: Yes.

DEAN: you know --

MITCHELL: Here's the point, that some of the worst conclusions about, you know, I've tried to cut off the FBI is simply inaccurate. That's what isn't true. That's the fact that [unintelligible]

DEAN: In fact that's a good point for Ziegler to say, this sort of reminds me of too -

UNIDENTIFIED: I know DeMarco --

MITCHELL: He's plenty good.

HALDEMAN: You, by the way, draw the combination, for instance [unintelligible]

PRESIDENT: Well he may be feeling sorry for himself, you know, and [unintelligible]

MITCHELL: [Unintelligible/**REMOVED**]

DEAN: He's, he, he sounds down. He realized after our conversation that, he sounded down. He said, uh, uh, and I said, "Well, I'll talk to you later, Pat," and, uh, you know, trying to show that held like to discuss [unintelligible] my voice [unintelligible], and he said, "Hold on just a minute." "All right, just keep the faith." [Laughs]

UNIDENTIFIED: Has he been coached by someone?

DEAN: I don't think so. Dick Moore is talking with him right now and, and [unintelligible]

PRESIDENT: What did Dick, uh, Dick, uh, say, have to say about it [unintelligible]

UNIDENTIFIED: Sure. The only lawyer --

UNIDENTIFIED: [Unintelligible] want to get on the wire right quick.

MITCHELL: On the specifics of what the question was and what the response to it. Now, I think [unintelligible] Gray [unintelligible]

DEAN: Uh, they got material where they wanted. The information was in the office.

PRESIDENT: It was in the office? [Unintelligible] Hunt?

DEAN: I never -- Down to this day I don't really know where Hunt's safe was kept. Uh, I don't think there was one -- was there? [Unintelligible]

HALDEMAN: John's been over -- John's been with Ziegler this morning.

DEAN: Yeah, I left them to come over here and --

PRESIDENT: You did? You were with them. They are, uh--

DEAN: They're working on it too.

MITCHELL: [Unintelligible] they're working on the specifics.

DEAN: Well, they are trying to get all the facts right now, as to what he might have reported as to how he came up with the transcript in the hearings, and then the frame-up.

PRESIDENT: You were trying to get through to -- with the [unintelligible] Silbert -- you have to get the thing by Hunt.

EHRlichman: Not before the Grand Jury.

UNIDENTIFIED: You mean -- ?

HALDEMAN: [Unintelligible]

PRESIDENT: Right. [Unintelligible]. Tell Ron [unintelligible]

UNIDENTIFIED: [Unintelligible/**REMOVED**]

DEAN: Well, maybe in the next twenty minutes I ought to shoot back over there and, and give her a call.

UNIDENTIFIED: Shoot back [unintelligible]

UNIDENTIFIED: [Unintelligible]

PRESIDENT: About how long will it be?

DEAN: Uh, fifteen minutes.

HALDEMAN: Well, John, uh, Howard Baker just had, uh -- Hunt had this [unintelligible] sort of a buddy and, uh, Bittman just had lunch with Howard Baker's Administrative Assistant

at the Administrative Assistant's request.

PRESIDENT: The same one that saw, uh, saw Colson?

HALDEMAN: Uh, I don't know that it was the same one, but I would guess. But this fellow, uh, wanted to get guidance from, uh, Timmons as to what the President was expecting out of the hearings and, uh, what, uh, he wanted to talk to him about this executive privilege business and, uh, where are we going to stand on that. He expressed the personal view that the President couldn't waive executive privilege, uh, which that son-of-a-bitch [unintelligible] Ervin would accept the written interrogatories, and, and that they would probably go to the subpoena route [unintelligible]. Uh, but, uh, nothing was raised about Baker being concerned that he didn't have contact -- nothing on that other report was raised at all. Uh, but he did say that, uh, Baker was a little pissed off at Kleindienst because, uh, uh, he had not met with him at all. He had had one meeting scheduled which they finally were able to set up, but Kleindienst cancelled it. And it has not been rescheduled, and so Baker has had no communication with Kleindienst. The day it was scheduled was the day you had your press conference and

announced your executive privilege or announced that the President with Dean and nobody would go up, which, uh, caught Baker unawares. Uh, and, uh, the disturbing thing is that his understanding is [unintelligible] the view that, uh, Kleindienst would keep him informed of this next time [Unintelligible]

MITCHELL: Plus the fact they're having a meeting with that guy, uh, as soon as he --

HALDEMAN: Oh, yeah.

MITCHELL: And all Weicker does is [unintelligible] Moore and Howard [unintelligible] Justice Department [unintelligible]

HALDEMAN: Well he's objecting to the agreement that they made with Kleindienst, that Ervin made with Kleindienst, that, uh, FBI raw files would be made available to the Chairman and the ranking member.

MITCHELL: Yeah, well --

HALDEMAN: Demanding that they be -- He's going to demand that they, they subpoena the, uh, Attorney General and the Director of the FBI to produce all the files, the materials and so forth.

DEAN: I talked to Kleindienst last night and he raised that.

And he said that he worked this out with, with Weicker, but Weicker was now dissatisfied with the arrangement. So he's going to the Chairman and the ranking minority member on the conflict.

PRESIDENT: [Unintelligible] a letter to [unintelligible]

HALDEMAN: That could be the [unintelligible]

PRESIDENT: [Unintelligible] Baker's idea. He wanted to talk to Kleindienst about it, didn't want to talk to anybody else. That's the way we left it.

DEAN: [Unintelligible] I think that Kleindienst ought to be aware of the fact that Baker is distressed that he hasn't made any greater effort to see him.

PRESIDENT: Good point. Yeah.

DEAN: I will.

PRESIDENT: Fine [unintelligible]. Follow through and pick up on that idea. I just want -- I think you'd better do it yourself. Don't you?

EHRlichman: Could I suggest that, that you call Kleindienst? You had the other conversation with him. Could you call him and say you've gotten a rumor that Baker's unhappy? Because [unintelligible] nobody else can do it.

HALDEMAN: I think he's not really standing on his tippy-toes completely.

PRESIDENT: [Unintelligible]

MITCHELL: The nature of the liaison -- he's got [unintelligible]

PRESIDENT: [Unintelligible] communicate back and forth.

EHRlichman: [Unintelligible] will not want to be in position -- Baker does not want to be in the position of talking to anybody in the White House.

PRESIDENT: He doesn't want to talk to anybody.

MITCHELL: [Unintelligible] collaborate with us.

PRESIDENT: He doesn't want to talk --

HALDEMAN: But he wants to collaborate -- this A. A. was saying, he wants to be helpful, he wants to work things out. He told the President he wanted to do that through the

PRESIDENT: Yeah.

HALDEMAN: Attorney General.

PRESIDENT: That's right. Said he did want to talk to Kleindienst.

DEAN: Does Kleindienst know that?

PRESIDENT: Yes, of course.

HALDEMAN: Well then, call Kleindienst.

UNIDENTIFIED: [Unintelligible]. Were you there?
[Unintelligible]

MITCHELL: What are they going to collaborate on?

PRESIDENT: [Unintelligible] what?

MITCHELL: Well, now, what are they going to collaborate on?

PRESIDENT: Well, I suppose on such matters, uh, you may recall that Gray wants to, uh [unintelligible] wants the FBI; however [unintelligible] and so forth having Kleindienst [unintelligible]

HALDEMAN: Well, again, I, I know exactly what the trouble is.

PRESIDENT: Oh, okay. [Unintelligible] all done. [Unintelligible] I'm the one that should do it. But you -- what Baker was thinking of, says that Kleindienst cancelled [unintelligible] I would think Kleindienst should have done it.

EHRlichman: [Unintelligible] broadcast [unintelligible]

MITCHELL: Well, that's another thing, that, uh [unintelligible] For instance, said to Timmons, Baker was expecting all the lawyers to try to get into the confidence of Sam Ervin that [unintelligible]

HALDEMAN: Yeah, but he shouldn't be too concerned about Baker's public statements in agreement with Ervin with, uh, that established him [unintelligible]

PRESIDENT: Well, he said that he [unintelligible] against it. That's what he wants to do. [Unintelligible] Okay. Well, uh, you, you're going to follow up about 2:30 on, on, Gray [unintelligible]. He's [laughs] a little bit on the stupid side, to be frank with you.

DEAN: The prospects to let himself get sandbagged until then won't happen.

PRESIDENT: You'd better counsel him about it. The problem with him, the problem with him, John, is, uh, with Gray, is uh, a certain stubbornness [unintelligible] talk to Kleindienst. Frankly, I think too, I think maybe, maybe Kleindienst ought to counsel him and talk to him.

DEAN: He has, uh, and he listened to him. John Ehrlichman talked to Kleindienst last night and said that's where Gray was getting his guidance.

EHRlichMAN: The whole trouble is that Dick gives him guidance which is very general. Something like this comes up and Gray overreacts -- it's almost a spasm reaction. We

had, the other day -- whether or not, you know, giving them access to the FBI files.

PRESIDENT: Yeah.

EHRlichman: It was, it was the opposite of what Kleindienst told him.

PRESIDENT: I know it.

EHRlichman: And, uh

PRESIDENT: He shouldn't have even needed guidance on that.

EHRlichman: Of course.

PRESIDENT: Nobody -- the Director of the FBI should not have even known -- should have even known, second nature, that, uh, you never turn over raw files to a full committee.

EHRlichman: I talked to Dick Saturday night

PRESIDENT: Yeah.

EHRlichman: and he just was beside himself because of that. And, uh, he said, "Hell, we covered this," he says, and, uh, he was really obsessed on it. And I feel --

PRESIDENT: Well, okay. I'll, uh -I'll tell him. [Picks up phone] Try Mr. Kleindienst, please. [Hangs up] Well, were we, uh, -- What, uh, words of wisdom do we have

from this august body on this point?

EHRlichman: Our brother Mitchell brought us some wisdom on executive privilege which, I believe --

Mitchell: Technically, Mr. President, I think the only problem [unintelligible] and I'd prefer you just coming out and stating,

President: That's right.

Mitchell: and, uh, and I would believe that, uh, it would be well worthwhile to consider to spoil the picture to the point where under the proper circumstances you can settle with certain former people in the White House and some [unintelligible] [telephone rings] some of the current people at the White House [telephone rings] under controlled circumstances should go up and, uh -- [telephone rings]

President: [Picks up phone] Hello.

Oh, Dick, I wanted to tell you, you know, on, uh, on, uh, uh, Baker that, uh, his Administrative Assistant was talking to Timmons and, uh, Baker has, uh, appreciated, you know, [unintelligible] going to make a deal [unintelligible] was good. They've not been able to, uh, have the, uh, discussion [unintelligible].

Well, I just wanted to tell you that, uh, you know, nobody here -- you remember our conversation regarding any discussion at all with Baker, which I think is proper, don't you? Now the point is, on the other hand, uh, that Baker wants -- what it means, you know, contacted, and it really depends, so -

I see.

Really? Uh huh.

Uh huh.

Today.

Yeah, by his Administrative Assistant.

So, uh, I guess that the point is that, which we -- you see we're counting on you to be the man there, uh, Dick, and, uh, and I want to keep everybody else out of this and so -- and, uh, you know, and I told Baker -- I said [unintelligible] "All right, now who do you want to talk to?" And he said, "Kleindienst," and I said, "Fine, he's the man." And so I left it at that, and so he's, he's running down here -

Yeah.

Yeah.

How's this -- why don't you get him on the phone, get him down there. And say, "Now, look, [unintelligible]. He's also -- it's sort of a line with Baker, now, that

he doesn't have any contact with the White House officials, he didn't want that, that's not his fault -- that's not our fault.

[Unintelligible] delighted except that it would not be the right thing. And, uh, on the other hand, in contact with you, it is essential for him to stick to your guidance. I get it he wanted everybody to come down in public session.

Yeah.

No way -- and so forth.

Well, we'll keep in touch with you, Dick, uh, basically through Dean, uh, which is the best way, uh, in terms of, uh, in terms of, uh, of what, uh, of what we had done with the Committee [unintelligible] and that those were in our guidelines. But then I think you, you really got to be our Baker handholder, you know. That's a hell of a tough job, but, uh, I, if you have, if you have to have him move in with you, then do it, huh? Yeah, better get his wife out of the way and move him in. Yeah.

Yeah. Yeah.

Yeah, I understand. Postponed -- for two weeks? [Unintelligible]. Yeah, I know.

Right, I know.

Right. Right.

Yeah.

Yeah.

Yeah, apparently down here it means that, uh, maybe he's a bit phony, but, uh, the other aspect [unintelligible]. Yeah, the trouble is, you know, is, uh, opened -- I, I understand you were as shocked as some, as I was that raw files had already been made available to the Committee.

Yeah.

Did he? What do you think about it?

Yeah. Well, do what you can.

Incidentally, with Weicker, did you work that thing out with him? Uh, he, he said in public he still hadn't written a letter, you know -- yeah. When did you talk to him? [Cough]

Yeah.

I expected that.

That's right.

Yeah.

No, you don't, you never had done that before. No, that even goes further.

Right. Right. But we're doing it in order that we get clear -- Yeah. All right, then, let's leave it

this way -- You'll handle, uh, you'll, you'll handle Baker now, huh? You'll babysit him, starting, like, like in about ten minutes All right. Okay.

[Hangs up]

PRESIDENT: We're fairly certain --You could probably hear this afternoon. He said, he said he's called Baker about, oh, dozens of times, and Baker -- it seems he's out of town making a speech [unintelligible] and this trip just goes on, and on, and on. But, he'll try. He'll call him right away. He said he talked to Weicker for an hour on the phone [unintelligible] furnishing the files [unintelligible/**REMOVED**]. Well, anyway, he says he talked to him for an hour and a half.

UNIDENTIFIED: [Unintelligible]

PRESIDENT: When I talked to Kleindienst [unintelligible]. Maybe it's not Kleindienst; maybe it's Baker.

HALDEMAN: I would guess that there's truth, truth to that, too. I have always said, they're always down here bitching about nobody calling them, nobody giving them anything and all that. They say, "When you catch them, you can't get to them."

EHRlichman: [Unintelligible] catch them [unintelligible] pass the word to Colson, Webster --

PRESIDENT: That's right.

EHRlichman: And this --

PRESIDENT: And his, and his, and incidentally, it just looks like he -- his Administrative Assistant called Colson. Now that's what Colson informed me. And I said, "But, what the hell," he said, [unintelligible], but I said, uh --

EHRlichman: Well, that isn't a casual pitch.

PRESIDENT: No.

DEAN: Maybe he's looking for some -- Baker's looking for some, some sort of a link with the White House. Maybe that's what he's

UNIDENTIFIED: Well --

DEAN: trying to hint at.

PRESIDENT: It's got to be Kleindienst. Go ahead on executive privilege, I suppose -- How would you, uh, how would you handle it, uh?

MITCHELL: All I have worked out was

PRESIDENT: Work out the arrangements.

MITCHELL: the best formula that we've discussed.

PRESIDENT: Well, I guess under the, under the, uh, under the situation

that you, uh, under the statement that we have, we're in a position to, to [unintelligible] I think we could, uh, we're in a position to, uh, negotiate with the Committee as to how, but we are not in a position to have, uh, to, uh, to cross the bridge in terms of saying that Hunt and Liddy will go down and testify and that members of the White House staff will testify in open, public session, or something like that. But you've got a lot of

EHRlichman: Formal --

PRESIDENT: other things --

EHRlichman: Formal is the word.

PRESIDENT: Formally is the word I use.

UNIDENTIFIED: Uh --

PRESIDENT: And incidentally, that's what I told Baker, too. I said, "Fine that's the term."

MITCHELL: On executive --

PRESIDENT: We begin with that proposition -- I'd be comfortable there -- and see what you can get by with.

MITCHELL: On executive privilege, Mr. President, stay well aware

that some have waived it, and the more I think about it [unintelligible]

PRESIDENT: Yes.

EHRlichman: And it hurts the more you do it, the more you --

MITCHELL: The more it's less, uh, [unintelligible].

PRESIDENT: [Unintelligible] Sherman Adams.

MITCHELL: Uh, the point, uh, beyond which you might be able to work it out here.

PRESIDENT: Yeah.

MITCHELL: The, uh, the point being that this seems to be the only way in which you get involved [unintelligible]

PRESIDENT: You do.

MITCHELL: I would, uh, lay out a formula and, uh, negotiate it with, with Sam Ervin or either through Baker or however else [unintelligible]. And I would, I would also put together a damn good PR team. [Unintelligible] made available so that the, uh, the facts can be adduced without putting on a political road show.

EHRlichman: What about this?

MITCHELL: What about the President's team? The team is important.

EHRlichman: Okay, I've written this. I can see that Chapin, for

instance, could appear, without it in any way being germane to the Presidency. So I'm going to decide right now

UNIDENTIFIED: Baker --

EHRlichman: that --

PRESIDENT: Not Baker, that'll be a little too --

EHRlichman: Well, whoever you talk to. Uh, I've got a report here and I think I see where the danger points are and where they aren't. I'd want to reserve, obviously, as to any question that might be asked.

UNIDENTIFIED: Right.

EHRlichman: I can pinpoint some people now, but it really wouldn't make any difference.

HALDEMAN: John, do you admit there's any danger point? You admit that any one member of the White House staff can testify because it's no danger point for him, but that some other one can't because it's a danger point with

him. Then what you're saying is,

EHRlichman: Well, but the first -- [unintelligible]

HalDEMAN: then you're saying the President was involved.

EHRlichman: I'm, I'm, I'm saying danger in the sense of that he could, could, could -- provocative.

MITCHELL: But [unintelligible] for the sake of going about discussion, in other words that -- Maybe we think that it's appropriate at this time to formalize John's theory on the Segretti matter and the Watergate matter based on the documentation from the FBI and [unintelligible] FBI [unintelligible] in other words based on -- Can the Grand Jury - - what we know came out of there, the trial [unintelligible] as far as that's one incident -- whatever the record, uh, could have been available to me. This is why the investigation of -- we had the memorandum with the back-up -- you know, obviously the FBI after all [unintelligible] and so forth couldn't find any-thing more. It's not expected that you could or [unintelligible] get out by way of their interrogation [unintelligible] uh, two memorandum from Dean is important [unintelligible] appropriate time with it. John did, and say I [unintelligible] all the public

records [unintelligible]

PRESIDENT: We've tried that though, John. Uh --

DEAN: [Clears throat] Why won't --

PRESIDENT: We still have grave doubts about it, though.

DEAN: Well, I don't know --

MITCHELL: I did too before, Mr. President. I, I had severe doubts about it. The, uh, now that, now that the facts have come out as have the FBI reports, and we have had the trial, that you have some documentation [unintelligible]

DEAN: I think the, uh, the proof is in the pudding, so to speak -- it's how the document is written and until I sit down and write that doc -- I, I've done part "B" so to speak. I've done the Segretti thing.

UNIDENTIFIED: Uh huh.

DEAN: Uh, and I am relatively satisfied that we don't have any major problems with that. All right, as I go to part "A" -- the Watergate -- I haven't written -- I haven't gone through the exercise yet, uh, in really whole

effort to write such a report, and I really can't say if I can do it -- where we are. And I, I think it's certainly something that should be done, though.

PRESIDENT: Yeah.

DEAN: And, uh, but we

MITCHELL: You never know

DEAN: you never know until we sit down and try to do it.

PRESIDENT: Now, let me say on the Watergate, that's a case [unintelligible] Segretti [unintelligible]

DEAN: We can't, we can't be as complete 'cause we don't know. All we know is what, is whether--

PRESIDENT: That's a question [unintelligible]

EHRlichman: It's a negative setting for us.

PRESIDENT: In setting forth this general conclusion based on [unintelligible] all these questions. You are -- that based on all of your consideration, uh, all of your analysis, and so forth, you, you're, you have found and very carefully put down that this individual, that individual, that individual, were not involved. We're going [unintelligible] to have to presume that. Rather than going into every leaked story and other charge, et cetera, et cetera, et cetera, and knock this, this,

this, this, this, this down -- I don't, I don't know --

DEAN: Yeah, well that's why I'd like to, like to -
- and I don't think I can do it until I sit
down. This evening start drafting,

PRESIDENT: Exactly.

HALDEMAN: I think you ought to hole up -- now that you
-- for the weekend and do that.

PRESIDENT: Sure.

HALDEMAN: Let's put an end to your business and get it
done.

PRESIDENT: I think you need a -- that's right. Why
don't you do this? Why don't you go up to
Camp David? And, uh --

DEAN: I might do that; I might do that. A place
to get away from the phone.

PRESIDENT: Completely away from the phone and so forth.
Just go up there and, uh [unintelligible] I
don't know what kind of work this is, but I
agree that that's what you could -- see what
you come up with. You would have in mind
and assume that we've got some sort of a
document [unintelligible] and then the next
step once you have written it you will have
to continue to

defend [unintelligible] action.

EHRlichman: That would be my scenario, that, that he presents it to you as, at, at your request. And, uh, you then publish it.

DEAN: Well, that, that's --

MITCHELL: That introduces the problem for us [unintelligible]

DEAN: -- trial.

MITCHELL: criminal trial and then appeals which may --

EHRlichman: I, I know that, but I don't care.

DEAN: Well you ought to be --

HALDEMAN: I don't see why. You're not dealing with the defendant's trial. You're only dealing with the White House involvement. You're not dealing with the campaign.

DEAN: That's where I first [unintelligible]

PRESIDENT: Well, you can write, you could write it in a way

UNIDENTIFIED: [Unintelligible]

PRESIDENT: you could write it in a way that you say this report does not re--, it's not, not, will not comment upon and so forth and so forth, but, "I -- as, as you directed, Mr. President, and without at all compromising the rights of defendants and so forth, some of which are on appeal, here are the facts with regard to members of the White House staff, et cetera, et cetera, et cetera, which you have asked from me. I have checked the FBI records; I have read the Grand Jury testimony and this is it -- these are my conclusions, chit, chit, chit, chit."

EHRlichman: As a matter of fact you could say, "I, I will not summarize some of the FBI reports in this document because it is my understanding that you may wish to publish this." Or, or you can allude to it in that way without saying that flatly. You can say that "I do not summarize all the FBI documents in this report."

DEAN: Or I could say that all of the FBI [clears throat], it is my understanding that all the FBI reports have been turned over to the Ervin Committee. Another, another vehicle might --

HALDEMAN: And, and he has only seen half of them.

DEAN: Yeah.

PRESIDENT: Oh, yeah.

DEAN: Another vehicle might be, take the report I write and give it to Ervin and Baker,

PRESIDENT: Yeah.

DEAN: uh, under the same terms that, uh, they're getting the FBI reports. Say, "Now, this has innuendo in it, little things the press would leak from this and assume things that shouldn't be assumed. But I want you to know everything we know." And publicly state that you've turned over a Dean report to the Ervin Committee. And then begin to say -- the next step is, "I think that you can see that various people have various ingredients where they may be of assistance in testifying. But it is not worth their coming up here to be able to repeat really what is here in some forum where they are going to be, uh, treated like they are in a circus. But I am also willing, based on this document, to set some ground rules for how we have these people appear before your Committee."

EHRlichman: A case in point: the issue of whether or not I had a phone call reporting the burglary.

DEAN: Right.

EHRlichman: Now, that's all I know about the damn thing is that the Secret Service, or some policeman phoned.

DEAN: But they could go on forever with you on that.

EHRlichman: Exactly.

DEAN: And I think it ought to be things like we've got in, in this report and this might be, you know, get, give it to Ervin on the confidence that we're not talking about documents being released. We're talking about something that's entirely facts. You could even [unintelligible] write a [unintelligible]

PRESIDENT: [Unintelligible] accomplish our purpose if it isn't released.

DEAN: I think it, I think it --

PRESIDENT: And I, I thought the purpose -- I thought John's concern [unintelligible] I guess you'd want him for me to --

DEAN: I do, I --

EHRlichman: My thought is --

PRESIDENT: In other words, rather than fighting it, we're not, we're not fighting the Committee -- we are, of course

but what we're fighting is a public relations battle.

EHRlichman: And I am looking to the future, assuming that some corner of this thing comes unstuck at some time, you're then in a position to say, "Look, that document I published is the document I relied on, that's the report I relied on and it codified and included all the secret, uh, identification of the FBI --"

PRESIDENT: This is all we knew.

HALDEMAN: All the stuff we could find out --

EHRlichman: "And now, this new development is a surprise to me, and I'm going to fire A, B, C, and D -- now."

DEAN: John, let me just raise this. If you take the document publicly, the first thing that happens is the press starts asking Ziegler about it, inspecting the document each day. "Well, why did Ehrlichman receive the call? How did they happen to pick out Ehrlichman?"

PRESIDENT: That's right.

DEAN: "Uh, what did he do with the information after he got it?" Uh, so on. Each, every item can be a full day of quizzing.

UNIDENTIFIED: Yeah.

DEAN: They'll just go through the document day after day after day.

MITCHELL: Now what is your concerned judgment as to when and under what circumstances

PRESIDENT: Another thing -- However,

MITCHELL: [Unintelligible]

PRESIDENT: let me say, that while Ziegler could be given all those questions, I would say those are questions -- I think Ziegler should cut it off.

MITCHELL: Let it die.

PRESIDENT: This -- Yeah, fine. I think there should be a cut-off point which [unintelligible]. If John just sort of [unintelligible] I'm not going to comment on the basic questions that are properly before the Committee on the [unintelligible]

DEAN: Well, you, you've said you are going to cooperate with a proper investigation.

PRESIDENT: Yeah, but I'm not going to comment on it while it is proper.

DEAN: That's right.

PRESIDENT: As long as it's proper.

DEAN: So why would you, why not put ourselves in a frame- work where you're way out above it? You're cooperating with this Committee; you've turned over the materials,

PRESIDENT: And then, no further comment.

DEAN: and no further comment.

PRESIDENT: You see, I think you could get off with the Ziegler business. I mean, I don't want Ziegler -- I, I was trying to pull Ziegler off of that by my own statement, too. [Unintelligible] cooperate with the Committee, give full cooperation, but we're not going to comment while the matter is being considered by the Committee

HALDEMAN: But you don't say,

PRESIDENT: unless the Committee does this and that.

HALDEMAN: but you don't say that people don't give, don't release, don't publish the, uh, Dean report. Only hand it over --

DEAN: -- to a proper investigative committee.

PRESIDENT: Well, then if you turn over the, do that, though, then can we get anything out about the, uh, Republicans putting out that much of a report? Uh, can we still get out the fact that

EHRlichman: Well, the President --

PRESIDENT: there has been a report in which everybody in the White House -- which bears out the President's --

HALDEMAN: Ron can make the statement.

DEAN: That's right.

HALDEMAN: That the President --

[Several voices]: [Unintelligible]

PRESIDENT: John wants the statement --

EHRlichman: Another way to do this, and that would be for you to have a meeting with Ervin and Baker.

PRESIDENT: Yeah.

EHRlichman: That would -- I told them --

PRESIDENT: Well, we've thought of that, I mean, we've thought of that and we've tried it.

EHRlichman: But, but we didn't have a reason for the meeting. This would be for the purpose of turning over the document and discussing the ground rules. Uh, before you did that you want to have that all agreed in advance as to what the ground rules would be. And, you've got quid pro quo here because you could come to, to Baker, and you could come to the Committee or to Ervin direct, and say, "Look, I'll turn over the Dean report to you, provided we can agree, uh, on how witnesses will be treated up there." I can, I can even, uh, construe, uh,

PRESIDENT: Right.

EHRlichman: executive privilege.

PRESIDENT: John, for example, if you were, uh, just talking about executive privilege, this, this really gets down to the specifics in terms of the question what do you do when they say, "What about Colson?" Does he go or not?

MITCHELL: I think that Colson goes.

PRESIDENT: He has to go?

UNIDENTIFIED: Right.

MITCHELL: I think Colson --

HALDEMAN: Everybody goes under John's -- including Ehrlichman and me -- everybody except John Dean, who doesn't go because he's, he's got the lawyer privilege.

MITCHELL: I think what is happening to you and John and so forth with the Committee could be negotiated out of the contents of this report.

PRESIDENT: We should negotiate it how?

MITCHELL: The President's report will show that uh, your simple thought -- your simple involvement was missing in the pub bill.

HALDEMAN: No, it would show more on my book, I'm afraid.

DEAN: But, they'll still, they'll still -- One strong argument --

HALDEMAN: Let us, let us go.

DEAN: Yeah.

HALDEMAN: I, I, I don't see any argument against our going if you are going to let anybody go.

DEAN: That's right.

HALDEMAN: Let us go. But, on the condition -- you get less trouble with us than you do with some of the others. And if it's not -- and, now sure if you get, if you get the

big fish up there in front of the television cameras, yes, I think that would be tough. I think Strachan going up wouldn't get them nearly as excited as, as John and me going up.

PRESIDENT: That's Strachan and Chapin.

HALDEMAN: Well, Chapin wouldn't have to appear

DEAN: Well --

HALDEMAN: as a focal point, but, but, uh, uh, I think, if you could do it in executive session, uh --

UNIDENTIFIED: Then I would [unintelligible]

HALDEMAN: Then, then why hold us back?

PRESIDENT: The executive session thing has always appealed to me. Now of course, you could say, "Well, in terms of people coming up here, of course you have to [unintelligible] session, but you got to convin--, the Committee feels constrained under executive session --

DEAN: We can invite the Committee down to the Roosevelt Room or the Blair House.

UNIDENTIFIED: Yeah.

MITCHELL: Oh hell, you could --

PRESIDENT: Yeah, you could set it at a different venue, that's true. You could put it in a different place. You could say we -- which is what I --

MITCHELL: That would be hard to negotiate.

HALDEMAN: Can, can we maintain informality?

EHRlichMAN: It will never -- it would never fly.

UNIDENTIFIED: Never fly.

HALDEMAN: Yeah, I don't know why not. Those others go up there.

UNIDENTIFIED: [Unintelligible]

PRESIDENT: Well, would executive session fly?

EHRlichMAN: Executive session, I suspect, would at this point, yes sir, yeah, I, I really think these guys are concerned about this Mexican standoff that they've got, and I think they're --

PRESIDENT: They'll also --

EHRlichMAN: I think that, that, the, uh -- Ervin's crack on television about arresting people crossed the line.

PRESIDENT: Right.

EHRlichman: That would take it quite a bit far.

MITCHELL: In addition to that you have the problem of the long lengthy litigation.

PRESIDENT: It's going to go on for a hell of a long time.

HALDEMAN: Ervin doesn't want that.

DEAN: Let him take it on the counsel, then.

HALDEMAN: That's what he doesn't want.

DEAN: I know, but let him, if, if he, uh --

HALDEMAN: We have offered to do it on Dwight Chapin. That's the easy one for him.

UNIDENTIFIED: Yeah.

HALDEMAN: You got some guy who had no contact with this [unintelligible]

PRESIDENT: It was quite, it was quite clear to me that, it was quite clear to me that, uh, as long as, as long as Dean --

HALDEMAN: Won't they test it?

PRESIDENT: No, they didn't test it. We asked them to --

UNIDENTIFIED: Find out.

PRESIDENT: He said let's find out. They didn't bite that one very fast, did they John?

HALDEMAN: Chapin's the guy they'd test it on. You try to hold privilege on Chapin and that's one they'd go to court on. They, they'd --

PRESIDENT: Probably.

HALDEMAN: You might do pretty well, because here's a former employee, a guy who had no policy role, had no

PRESIDENT: -- contact --

HALDEMAN: major contact with the President, and he'd have a hell of a time demonstrating --

MITCHELL: Obviously you'll have to expect a subpoena.

PRESIDENT: Chapin?

MITCHELL: Yeah, because he's no longer employed.

HALDEMAN: Well, because,

PRESIDENT: What I'd --

HALDEMAN: because with the subpoena, if he's called to testify regarding his appointment, but not, not regarding his -- any present stuff.

MITCHELL: He doesn't [unintelligible] legroom. They can get him up there.

EHRlichman: Well, the precedent

UNIDENTIFIED: I, I, I --

EHRlichman: on this is interesting. I think that his lawyer would advise him to go.

UNIDENTIFIED: Couldn't get anything, couldn't do anything [unintelligible]

MITCHELL: They could get him to talk.

PRESIDENT: We would have to express the trust -- In the case of a present White House employee they couldn't get him up here, right?

MITCHELL: Right.

PRESIDENT: In the case of a past one you could get him up, but then he could, then he would have to go in front of the cameras and say, "I will not because of executive privilege."

MITCHELL: Well, they can get up with him.

EHRlichman: But its your privilege -- you interpose it.

PRESIDENT: I see.

EHRlichman: And, and, uh, first we have the, the anomoly of Clark

Mollenhoff running up and, and, uh, trying to give testimony in a civil service area over here now. He's running up saying, "Ask me a question, ask me a question, this is a kangaroo court, and, and I waive --" The hearing examiner just says, "Sit down and shut up." And what's happening is that, that, the, uh, government is asserting the executive privilege.

MITCHELL: No, they are not.

EHRlichman: Well --

MITCHELL: Not executive privilege.

EHRlichman: Yeah, all right --

MITCHELL: In fact you have --

UNIDENTIFIED: [Unintelligible] executive --

EHRlichman: All right. It's the closest thing to it. But the point is, who's privilege is it to assert? Now, what do you do if it's Chapin? I think, I, I haven't thought this -- this is the reason I called you here to figure out what the scenario is -- but I assume what would happen is that immediately the subpoena issued, that, that on behalf of the President a letter would go to the Committee saying the Executive asserts privilege.

PRESIDENT: Let me ask this. Uh, the, this question is for John Ehrlichman and, uh, John Dean. Uh, now you were the two who felt the strongest, uh, on the executive privilege thing [unintelligible]. If I am not mistaken, you thought we ought to draw the line where we did. [unintelligible]. Have you changed your mind now?

DEAN: No sir, I think it's a, I think it's a terrific statement. It's -- It, it puts you just where you should be. It's got enough flexibility in it. It's --

PRESIDENT: But now -- what -- all that John Mitchell is arguing, then, is that now we, we use flexibility

DEAN: That's correct.

PRESIDENT: in order to get on with the cover-up plan.

EHRlichman: And, as I told him, I am, am so convinced we're right on the statement that I have never gone beyond that. He argues that we're being hurt badly by the way it's being handled. And I am willing -- let's see --

MITCHELL: That's the point.

HALDEMAN: I think that's a valid evaluation, I think [unintelligible]

MITCHELL: See, that's the only point, the only point
HALDEMAN: Yeah.
MITCHELL: where the President --
HALDEMAN: That's where you look like you're covering
up right now. That's the only thing, the
only active step you've taken to cover-up
the Watergate all along.
PRESIDENT: That's right.
DEAN: What is?
HALDEMAN: Was that.
PRESIDENT: Ev--, even though we've offered to
cooperate.
HALDEMAN: To the extent -- and on legal grounds, and,
and precedent,
PRESIDENT: That's right.
HALDEMAN: and tradition, and constitutional grounds
and all that stuff you, you're just fine,
but to the guy sitting at home who watches
John Chancellor say that the President is
covering this up by re--, this historic re-
view blankets the widest exercise of
executive privilege

in American history, and all that. He says, "What the hell's he covering up? If he's got no problem why doesn't he let them go and talk?"

MITCHELL: And it relates to the Watergate, it doesn't relate to Henry Kissinger

HALDEMAN: That's right.

MITCHELL: or foreign affairs.

HALDEMAN: That's right. Precedent and all that business -- they don't know what you're talking about.

PRESIDENT: Well, maybe then we shouldn't have made the statement.

HALDEMAN: I think we should have because it puts you in a much better position to -- They were over here. That's what Ervin wanted. He wanted all of us up there -- unlimited, total, wide open. We -- The statement in a sense puts us over here. Now you move back to about here and probably you can get away with it.

EHRlichman: Well, you can get away with it in the Watergate context. You see, you said

HALDEMAN: That's right.

EHRlichman: executive privilege would work and, and then, then you've

applied it in the first instance to Gray.
You said this fellow can't go.

PRESIDENT: That's right.

EHRlichman: And, I wouldn't change that.

PRESIDENT: I [unintelligible]

EHRlichman: I can't -- anything about that.

PRESIDENT: Great.

EHRlichman: Exactly right.

PRESIDENT: Right.

EHRlichman: At the same time --

MITCHELL: By the way isn't that [unintelligible]

EHRlichman: [Unintelligible]

PRESIDENT: That's right.

EHRlichman: Uh --

PRESIDENT: [Unintelligible] one syllable names.

EHRlichman: At the same time, uh, you are in a position
to say, "Oh, well now this, this other case,
and what I,

what I'm going to do there, consistent with my statement, is so and so, and so and so."

HALDEMAN: Because it very clearly -- The questions that the Committee properly wants to ask don't have any bearing on these people's relationship to the President. Which they don't. The President had nothing to do with it.

UNIDENTIFIED: I don't know at all. I --

EHRlichman: There again, it's going to be hard to get proof. Well, it'll be hard to -- if you -- You're right, we're going to need some kind of a PR campaign.

UNIDENTIFIED: Yes, that's true.

PRESIDENT: That's true, what?

EHRlichman: For the average guy.

PRESIDENT: Is thinking about [unintelligible] Dean --

EHRlichman: This is -- the argument will be, uh, the President's backed off his rock solid position on executive privilege and is now letting, uh, Chapin, and Colson, and, and, Haldeman, and everybody testify.

PRESIDENT: That the rest of us said that that's perfectly [unintelligible]

DEAN: It is. I think they're
EHRLICHMAN: -- saying that there are PR problems.
PRESIDENT: But people don't think so, is that right?
UNIDENTIFIED: That's right.
DEAN: Sure.
PRESIDENT: In spite of what [unintelligible]
HALDEMAN: Oh, yeah. They don't think the -
PRESIDENT: I agree. I understand I understand.
HALDEMAN: They think you clanged down an iron curtain
here and you won't let anybody out of here,
ever. That have ever worked here. Scour
lady on up. It was my understanding -- I
thought from you. or maybe it was someone
else -- that the Committee's operating rules
do not permit witnesses to have counsel.
DEAN: That's grand jury. I've never heard that
about,
HALDEMAN: --about the Committee?
DEAN: about the Committee no, I can't believe --

PRESIDENT: The Committee, on the contrary, on the contrary, committees, ever since the day I was there, they, they all allowed counsel.

UNIDENTIFIED: [Unintelligible]

MITCHELL: Can't imagine their not having counsel.

DEAN: [Unintelligible]

PRESIDENT: No sir. Committees, committees allow counsel,

HALDEMAN: If that's -- it seems to me if you're going to do this, that becomes important in that any White House staff member who testifies should not only have private counsel if he wants it -- personal counsel -- but the President's Counsel should be there because you're under a limited waiver of executive privilege and the President's counsel should be there to, to uh, uh, enforce the limitation and the witness should not have to be in the position of saying, "That's one I can't answer because it is outside the ground." You or Fielding or somebody should be doing that for him.

PRESIDENT: Have you -- the, the executive session thing?

UNIDENTIFIED: No. They, uh --

DEAN: They'll bitch about that, too.

HALDEMAN: What are you going to hide? If you're going to let them come up, why do you -- why is that secret?

PRESIDENT: Yeah, yeah. How do you handle that PR-wise?

MITCHELL: You don't. One of the hazards [unintelligible] another Roman holiday like they've had with Kleindienst and Gray. This, uh, fact-finding operation -- they're to get the facts and not to put another political, uh, circus like they have in the past.

DEAN: And if -- if there were no cameras up there, there would be no reason to have it executive session because, uh -

HALDEMAN: Well, then they come back and say all right we'll do it in open session, but we'll, uh, permit television coverage.

PRESIDENT: Oh no. They won't do that. That [unintelligible] their problem because of television. It'll kill them [unintelligible] executive session written testimony be released. I think that that's the basis of the relation. That is stupid to talk about formal sessions, so, uh, that, that gets away from it. That's a, that's a -- It, it is a formal session. Executive session [unintelligible] release testimony. Correct?

DEAN: That's correct. We have said that no --

HALDEMAN: Point of debate, too. You argue they shouldn't.

UNIDENTIFIED: Yeah, he does.

MITCHELL: Well, they won't buy it.

EHRlichman: Yeah, but I probably can't get away with it. [Unintelligible]. But it's a good thing to start with.

UNIDENTIFIED: Sure.

EHRlichman: You want a bargaining position, I think it's arguable that, uh, that all they're really interested in this, is information, and I think they don't need to release the transcripts, you know.

HALDEMAN: Is there, uh, an executive session of a Senate Committee -- Are other Senators permitted -- they are, aren't they? Any Senator has the privilege of Committee [unintelligible]

UNIDENTIFIED: Yup.

HALDEMAN: So Teddy Kennedy could come in and sit there.

PRESIDENT: Sure. He can't ask questions.

HALDEMAN: He can't?

MITCHELL: Not unless you're a member of the parent Committee.

UNIDENTIFIED: Which he is.

MITCHELL: [Unintelligible]

HALDEMAN: But this isn't, this isn't subject --

DEAN: Select, Select Committee.

PRESIDENT: Other members cannot -- whether -- that, that should be worked on too. But I -- It normally is the practice that nobody can ask questions except members.

HALDEMAN: Of course, Teddy could still sit there in the audience and then go out to the TV cameras and say, "Look [unintelligible]"

DEAN: Wouldn't it be wonderful if he would?

PRESIDENT: Probably we're going to have that.

DEAN: I think if he did that, that would be terrific.

HALDEMAN: I was just thinking that, in the membership of the Committee, we're in reasonably good shape. The members -- the people that you have on the Committee are not as bad as most, as some Senators who would turn the use of TV afterwards for their own --

PRESIDENT: Not as spectacular. What?

UNIDENTIFIED: You know, no way, and, and, uh [unintelligible]

[Several
voices]: [Unintelligible/**REMOVED**]
EHRlichman: Well, I would say [unintelligible]
PRESIDENT: It's very soon that we're going to be moving
on [unintelligible]
DEAN: And I point out [unintelligible]
PRESIDENT: [Unintelligible]
HALDEMAN: When do they start hearings now?
PRESIDENT: The thing --
DEAN: There's no time set.
HALDEMAN: How would they time that?
PRESIDENT: Well, the top--, the hearings won't be -- we
have plenty of time before the hearings, but
what, uh --
UNIDENTIFIED: The PR.
PRESIDENT: John's concerned about, the PR, we don't
have much time.
UNIDENTIFIED: Well, but --
PRESIDENT: You don't have much.

DEAN: PR is going to start on this right away with, with the termination of the Gray hearings for two weeks that'll let some steam out of the --

PRESIDENT: Yeah. Your PR would,

DEAN: Well, it'll have to --

PRESIDENT: the PR would -- What I meant is, and any--, and anyway the main thing is to do the right thing. Don't rush too fast on the PR but, uh, uh, it'll take some time to write, uh, something. John's got to have time to write this report. He's got to have a chance to look at -- I guess we don't, we don't breach, we don't broach or do we broach this whether we have a report or not?

MITCHELL: I think you can broach that.

PRESIDENT: Fine.

MITCHELL: Now --

PRESIDENT: Let me ask you this: On the broaching of that, should we have Kleindienst be the broacher? The point is, who else? I can't.

DEAN: That's right. Well, Kleindienst in his conversations

with Ervin and Baker -- Ervin indicated that he would like to talk to Kleindienst about the executive privilege question. Uh, maybe it's now time to get that channel re-opened again. Uh --

MITCHELL: Let me, let me make this suggestion.

HALDEMAN: Write it out so, so Kleindienst said that both chapter and verse -- on this --

UNIDENTIFIED: [Unintelligible]

UNIDENTIFIED: Without anybody else present.

MITCHELL: For a first step, for a first step, you're going to have that meeting and we're going to keep John out of that. But you're going to have everybody screaming about executive privilege going on in a committee meeting again. And I think, well, before the Committee meeting is held, for somebody to say, "We want to discuss with the Chairman of the Committee his concept of the appearances of witnesses." And don't discuss it with him until you get all your ducks in a row all laid out. But, at least you advise them that it is a discussion of the subject matter so they don't come out and blast you [unintelligible]

EHRlichman: Then ask him not to take a Committee vote on the subject either, until --

HalDEMAN: [Unintelligible] Committee locked in, but you can work something, maybe you can work on that.

PResIDENT: Well is this the time to, uh, I mean, the point is, uh, if the, if the, if the Committee -- Is this the time to [unintelligible]. That's it. Who's going to talk to him? Who's going to be there? Who do you think should do it?

MITCHELL: Kleindienst talks --

PResIDENT: Talks to -- in other words to Baker and Ervin, basically. That conversation should occur like tomorrow. Why not? If you're going to move in this direction, regardless of the report. We've got to move in this direction [unintelligible] start the negotiation.

MITCHELL: Well, I think that's too much lead time. Uh, in, in the process before the Committee meeting [unintelligible]. Now, what's Wally Johnson's status?

DEAN: That's funny, because I -- he is still here, hasn't gone up yet, but he's been announced apparently. I gather he'll be an Assistant Attorney General. What I was thinking is maybe to preserve my counsel role with Ervin and Baker that I ought to be present with Kleindienst.

PRESIDENT: I agree.

DEAN: And the four of us sit down and talk about executive privilege -- we won't get into

PRESIDENT: Yeah.

DEAN: any of the substance.

PRESIDENT: Well, the thing about your being at this, uh, is that you can keep Kleindienst, uh, uh -- I'm skeptical --

DEAN: Plus they, they would appreciate the fact they're dealing with me as counsel - that's another reason I am not,

PRESIDENT: That's right.

DEAN: you know, when the final wire is drawn --

MITCHELL: Well, it's appropriate for the President's Counsel to be present when the discussions take place.

DEAN: That's right.

PRESIDENT: Well, all right. Now let's, let's get down to the question: How do we want to do this? How do we start there?

DEAN: I would think that possibly Kleindienst, uh, ought to call today, uh, and let Ervin and Baker know that he would like to meet with them early next week to talk about executive privilege, uh, indicate that I would be present to see if we can find

PRESIDENT: A formula for

DEAN: a formula to resolve --

PRESIDENT: getting information that they desire.

DEAN: That's right.

HALDEMAN: It's an unpublicized meeting.

DEAN: Unpublicized.

PRESIDENT: I think we'd, uh [unintelligible] go ahead.

HALDEMAN: [Unintelligible] on top of that. I would say early in the week. You better say Monday so you can get them before the Committee meets.

MITCHELL: And, naturally cover Watergate first.

PRESIDENT: I don't know how far Ervin's going to go, uh -- Ervin's insistence on letting Dean testify -- whether he might. We'd have to draw a line there, wouldn't we John?

MITCHELL: I would agree wholeheartedly that you better not go back on your final statements on the subject.

PRESIDENT: That's right. That's right.

UNIDENTIFIED: Even if there hadn't been statements --

PRESIDENT: That's right. But the point is, we've got to accept the decision of Judge Byrne's[unintelligible] on the bail. The other thing to do on the Dean thing is say -- you'd simply say, "Now, that's out. Dean has -- he makes the report. Here's everything Dean knows."

DEAN: Right.

PRESIDENT: That's where, that's why the Dean report is critical.

EHRlichman: I think, John, on Monday could say to Ervin if that, uh, question comes up, "I, I know the President's mind on this. He's adamant about my testifying, as such. At the same time he has always indicated that the fruits of my investigation will be known." And just leave it at that for the moment.

DEAN: One issue that may come up as the hearings go along, if it then becomes a focus, is, what did Dean do? Uh, as you all know I was over all over this thing like a wet blanket. I was everywhere -- everywhere they look they are going to find Dean.

PRESIDENT: Sure.

DEAN: Uh --

HALDEMAN: That's perfectly proper.

DEAN: But it, but -- I don't think that's bad.

EHRlichman: I don't know. I was supposed to be.

PRESIDENT: You were on it at the first. You were directed by the President to get me all the facts. Second, as White House Counsel you were on it for the purpose of, of representing any people in the Executive Branch who were being questioned on it. So you were there for the purpose of getting information. In other words, that was your job. Correct?

DEAN: That's right.

PRESIDENT: Then you heard -- But, but the main point is that you can certainly tell them that Dean had absolutely no operational -- The wonderful thing about your position is, I think, as far as they're concerned -- Watergate -- is

your position's one of, of truly of counsel. It is never, never as an operator. That's the --

HALDEMAN: You can even -- In the private sessions, then, maybe, maybe, volunteer to give them a statement on the, the whole question of your recommendation of Liddy which is the only possible kind of substantive [unintelligible] that you could have and, and in that you can satisfy one of those arguments.

PRESIDENT: [Unintelligible]

HALDEMAN: And that you -- if you wanted to.

PRESIDENT: At the, at the President's direction you've never done anything, any operational, you were always, always just as counsel, always just as counsel. Well, we've got to keep you out anyway: the Dean thing. I guess we just draw the line, so we give them some of it -- not give them all of it. I don't suppose they'd say John -- "No, we don't take him in executive session." Would he go up in public session? What would your feeling on that be?

MITCHELL: I wouldn't let him go.

PRESIDENT: You wouldn't.

MITCHELL: I would not.

PRESIDENT: Why not? You just take the heat of being --
uh, all right. How about you wouldn't --
but on the other hand you'd let Chapin go.
And you'd let Colson go.

HALDEMAN: No, he doesn't.

PRESIDENT: Because they're former White House people.

MITCHELL: You can't keep them out of all those
sessions. Now, I want to get back to that
[unintelligible] Dean spoke to Chapin; on
the basis of that Chapin talked to Segretti
last weekend.

DEAN: Well, they can subpoena any of us. There's
no doubt about that. Uh, they, they, if
they don't serve us here because they can't
get in, they can serve you at home or
somewhere. They can ultimately find you.

EHRlichman: I'm going to move to Camp David.

PRESIDENT: Right.

HALDEMAN: By helicopter.

[Laughter]

PRESIDENT: Go ahead. [Unintelligible]

DEAN: So, the question is once you're served and
you decline, then

you've got a contempt situation. Now, I would say that it, it, it gets very difficult [sighs] to believe that they'll go contempt on people who --

PRESIDENT: Present White House staff.

DEAN: Present White House staff.

PRESIDENT: They would on Colson. They could do that, could they?

DEAN: That would be a good test case for them to go on. Uh, the other thing is, though, they could sub--, subpoena Colson to come up there and Colson could then say, "Well, I, I decline to testify on the basis that I think this is a privileged communication, uh, or privileged activities." And again you get a little, a little fuzzier as to whether or not you

MITCHELL: I'd rather not answer the question that's asked.

DEAN: That's right.

MITCHELL: See my point.

DEAN: That's right. There it, then it would get much fuzzier as, as to whether or not they cite him for contempt or not.

PRESIDENT: Suppose the Judge tomorrow, uh, orders the Committee to

show, show its evidence to the Grand Jury [unintelligible] then the Grand Jury reopens the case and questions everybody. Does that change the game plan?

DEAN: [Unintelligible] send them all down.

PRESIDENT: What? Before the Committee?

MITCHELL: The President's asked [unintelligible] this.

DEAN: Now are you saying

PRESIDENT: Suppose the Judge opens -- tells the Grand Jury and says, "I, I don't," says, "I want them to call Haldeman, Ehrlichman and everybody else they didn't call before." What do you say to that? Then do you still go on this pattern with the Ervin Committee? The point is, if, if a grand jury, uh, decides to go into this thing, uh, what do you think on that point?

EHRlichman: I think you'd say, "Based on what I know about this case, uh, I can see no reason why I should be concerned about what the grand jury process --

PRESIDENT: All right.

EHRlichman: That's all.

HALDEMAN: And that would change --

PRESIDENT: Well, they go in -- do both: Appear before the Grand Jury and the Committee?

DEAN: Sure.

EHRlichMAN: You have to bottom your defense, your position on the report.

PRESIDENT: That's right.

EHRlichMAN: And the report says, "Nobody was involved,"

PRESIDENT: That's right.

EHRlichMAN: and, and you have to stay consistent with that.

MITCHELL: Well, theoretically, I think you will find the Grand Jury is not about to get out of the [unintelligible] substance.

PRESIDENT: Right.

HALDEMAN: Thus the danger of a grand jury is they bring indictments on the basis of --

MITCHELL: Which they've studied.

DEAN: Well, there are no rules.

PRESIDENT: The rules of evidence before grand juries are not pretty fair at this point.

DEAN: That's right.

MITCHELL: Uh, when you have something that's,uh, reasoned and controlled --

PRESIDENT: Yeah.

DEAN: You have attorneys --

PRESIDENT: Yeah.

MITCHELL: [Unintelligible] the rules of the evidence meet.

PRESIDENT: [Unintelligible]

EHRlichman: Somebody can get one in the form of a letter.

MITCHELL: [Unintelligible] according to [unintelligible]

HALDEMAN: Well, what would happen? Would Silbert be the, be the, uh, prosecutor on this?

DEAN: Unless the, the Court appointed a special prosecutor, which he could do.

PRESIDENT: Yeah. So, we better see tomorrow on that. But, uh, but,

the -- So that, if that's the case how do we, uh -- let's move now on the first one. Now who is to call, uh, Kleindienst?

DEAN: I am to follow through on [unintelligible]

PRESIDENT: You going to call him and tell him what?

DEAN: I'm going to tell him to call Baker first, and then Ervin, and tell them that you would like to meet with them on Monday, uh, to discuss and explore a formula for providing the information they need in a way that does not cause a conflict with the President's general policies on executive privilege.

PRESIDENT: Yet meets, and yet meets their, uh, meets their need for information.

DEAN: Right.

PRESIDENT: Have they requested, they've requested that kind of a talk already, haven't they?

DEAN: Yes.

EHRlichman: And you'll sit down with Dick, Mr. President?

PRESIDENT: Yeah. Yeah. [Unintelligible] you're going to be so busy doing the report there will be no one --

DEAN: Well, I'll work on that over the weekend, and, and, uh, actually it's good because things do slow down a little, over the weekend.

HALDEMAN: Also write out a thing for Kleindienst so that --

PRESIDENT: I think you can talk to him. I, I think you can do most of the talking. Get the main -Get to thinking -You can do it. Say you have studied the subject. You also know what, what, uh, my position is.

DEAN: I don't think we ought to read anything in this first session but I think we ought to let him know that we are thinking about

PRESIDENT: Right.

DEAN: reaching some sort of --

PRESIDENT: Say, "Now, what is, uh, -What would you think here?"

HALDEMAN: Well, just stay loose [unintelligible]

DEAN: Stay loose.

PRESIDENT: I would say, I would say, "Now look, that's what, that's

what we're going to do. We'll lay out the thing about, uh, with regard to this, we want to, we want to see what can be worked out with regard to, uh, uh -- We, we talked about informal sessions. Is Ervin's position been he insists on formal sessions? Is that his position?

DEAN: Well, we don't know. We've never really [unintelligible]

MITCHELL: [Unintelligible] gotten into that.

HALDEMAN: His response to your position -- that's really what you've got now --

PRESIDENT: Yeah.

HALDEMAN: Ervin's response to the, to the Nixon position and that is, "Written stuff isn't any good. I want the body, you, you can't ask paper, you can't ask a piece of paper questions." Okay. Now, what we're saying meets that requirement --

PRESIDENT: The written, the written thing was in which?

EHRlichman: That was a, that was a, uh, Ziegler, I believe.

PRESIDENT: I think so.

EHRlichman: I don't know how it came out. It's not in a statement.

HalDEMAN: No, but it's a general thing. I think

PResIDENT: Yeah.

HalDEMAN: it was in your press conference where you said they will provide written, uh -- I think you said it.

PResIDENT: I may have said it and I don't --

HalDEMAN: In a press conference. And I think Ervin's response was to that.

PResIDENT: Right.

HalDEMAN: Your statement if, uh,

PResIDENT: Could have been.

HalDEMAN: "These people will be happy to provide, uh, written answers to questions,"

PResIDENT: Yeah.

HalDEMAN: "that, uh -- appropriate questions."

PResIDENT: You think -- are you sure it wasn't in the statement, the written statement?

EHRlichman: No.

HalDEMAN: No.

EHRlichman: I think, I am sure we
PRESIDENT: Right.
EHRlichman: used formal, informal --
DEAN: It, it came up the first time is when I
responded to,
MITCHELL: That, that's right. Exactly.
DEAN: to Eastland, I responded to Eastland's
invitation to --
PRESIDENT: You said you would furnish written --
UNIDENTIFIED: Right.
DEAN: Furnish written --
PRESIDENT: I think the -- I think that's where you'll
find it.
DEAN: And then you and then it was repeated
after that, uh, that we would be happy to
supply information and, uh --
PRESIDENT: I think we've been [unintelligible]
HALDEMAN: But, then Ervin responded -- he specifically
rejected that only on the grounds that you
can't ask questions of a piece of paper.
PRESIDENT: Cross examine.

HALDEMAN: We need to deal with our questions. So we are giving him that opportunity. He hasn't said that the processes of the Senate require that those questions be answered in [unintelligible]

PRESIDENT: What is the, what is the argument that you give, John, to people who -- and, uh -- Why executive session rather than open session?

DEAN: Well, I --

PRESIDENT: You can't really give --

DEAN: I think we'll have --

PRESIDENT: You can't really attack the Committee's, uh, flamboyance.

DEAN: No, you can't.

PRESIDENT: So, what do you say?

DEAN: I think what I'd do is we'll talk a little about the Constitution, and I'll remind him of the position that he took so vocally in the Gravel case,

PRESIDENT: That's right.

DEAN: where he came out and said that legislative aides cannot be called to question for advice they give their Senator or Congressman. He just went on at great length and cited executive privilege --

PRESIDENT: Then he'll say, "This was not advice to the President." Go ahead.

DEAN: Well, and I'll say, I'll, and I'll say that, that these are men who do advise the President.

PRESIDENT: And that's, that's the principle involved.

DEAN: And we have to draw the line.

PRESIDENT: And to have the principle discussed, uh, in open session, and so forth, is the kind of a thing where you've got to, you ought to go off to the bench, where the jury doesn't hear it, basically.

DEAN: Well, I --

HALDEMAN: I don't think John or Dick should tip their hands in the Monday meeting as to an offer to appear in executive session and get them on to the executive session wicket. It seems to me

DEAN: No. No, I agree.

HALDEMAN: they, they should only indicate a willingness to listen to, uh, ideas as to what would be done

DEAN: Yeah.

HALDEMAN: and an open-mindedness to try and work something out.

PRESIDENT: Yeah.

HALDEMAN: Because if you get to that, that's going to become the issue

PRESIDENT: Yeah.

HALDEMAN: and it seems to me that's an issue we could win publicly where we may not be able to win it with the

DEAN: I think, I

EHRlichman: How about

HALDEMAN: Senate, but you [unintelligible]

EHRlichman: What about expressing the President's concern about the protection of his people from a spectacle?

UNIDENTIFIED: That's fine.

PRESIDENT: Well, I'm also concerned about his, about frankly, the, uh, having, having, uh, matters that really are a subject of executive privilege debated publicly, rather -- That's a matter that ought to be debated privately.

DEAN: That's right.

PRESIDENT: Uh, other matters, we have no, and, and, and, without, and, and, and, and the fact that it's raised does not indicate guilt. That's part of his argument on Gravel,

too. The fact that it's raised does not indicate guilt. That's what we are really talking about here. But having it in public session does, uh, indicate that.

DEAN: Well, I will work out a complete, uh, negotiating scenario and have thought it through before I go up.

HALDEMAN: Really all your, your objective in that meeting is simply to indicate to them a willingness to discuss. It's not

DEAN: That's right.

HALDEMAN: to lay out a proposal

DEAN: I,

HALDEMAN: for them

DEAN: I agree.

HALDEMAN: to accept or reject.

DEAN: I will --

MITCHELL: John, as part of that, as part of the scenario, you want to hold executive session for the protection of those records.

DEAN: Very true. Uh --

PRESIDENT: There, and it's the record for the future. But that's -- that maybe you can tell Ervin, maybe on a mountaintop, that,

that this is perhaps a good way to set up a procedure where we could do something in the future, and all. You know what I mean?

DEAN: Uh huh.

PRESIDENT: Where future cases of this sort are involved. "We're, we're making a lot of history here, Senator. And, uh --

MITCHELL: And the Senator can be a great part of it.

PRESIDENT: No, really. We're making a lot of history. And that's it we're setting a historic precedent. The President, after all, let's point out that the President, uh, how he bitched about the Hiss case. Which is true, I raised holy hell about it.

DEAN: Ervin away from his staff --

PRESIDENT: Huh?

DEAN: Ervin away from his staff is not very much, and I think he might just give up the store himself right there and lock himself in. I, you know, I've dealt with him for a number of years, and have seen that happen and have reached accord with him on legislation.

HALDEMAN: That's another thing, if you don't offer him anything, you may get an offer

DEAN: That's,

HALDEMAN: from him

DEAN: that's right.

HALDEMAN: you can't accept. He'll ask you [unintelligible]

DEAN: That's exactly what he'll do.

PRESIDENT: And if he just takes the adamant -- Suppose now he just takes the adamant line? Nothing.

HALDEMAN: Sits there and says,

DEAN: I'll say,

HALDEMAN: "I'll think about that."

DEAN: "That's all right."

PRESIDENT: You could go back --

DEAN: "Doesn't sound like you're interested in information,"

PRESIDENT: Yeah.

DEAN: "it sounds like you're interested in, in fighting"

PRESIDENT: Yeah.

DEAN: " on principle."

PRESIDENT: He says, "Look, we are just going to have public sessions. It's got to be that or else."

EHRlichman: Then, "We've got a law suit Senator and it is going to be a long one."

UNIDENTIFIED: That's right.

MITCHELL: "How can you, you expedite your hearings?"

PRESIDENT: Yeah. "If you want your hearings" -- and uh, that's the other thing. The other point is, would it not be helpful to get Baker enlisted somewhat in advance. If that could be done by not begging him [unintelligible]. If we -- can we put Kleindienst to that thing?

MITCHELL: On the second step -- not on the opening.

PRESIDENT: Well, even on the opening step the problem that I have here, if Baker sits there and just parrots Ervin's adamant thing, saying, "Hell no, there can't be anything except the public sessions," you have nothing to bargain with.

MITCHELL: But Mr. President you know how these Senators act. Baker will lay the whole thing out on the table.

PRESIDENT: Yeah, I guess you are right.

MITCHELL: Including the contempt. They'll be --

PRESIDENT: Baker, on the other hand -- Kleindienst should at least talk to him and say "Look Howard, why don't you try to work something out here?" Why couldn't he say that?

HALDEMAN: He could say, "We're going to try -- we want to work something out." "Yeah, but then

PRESIDENT: "Glad to work something out."

HALDEMAN: work with us."

PRESIDENT: Yeah.

HALDEMAN: "We're, we're, we're

PRESIDENT: "Now, work, work

HALDEMAN: questioning how you --

PRESIDENT: with us, but you can't, you can't be [unintelligible]. Right now, Howard, right now, Howard, we're just going for a law suit." Uh --

HALDEMAN: "Give us a hand and try to open this up." That's, that's -- Baker would be fine that much ahead of time.

PRESIDENT: That's right.

HALDEMAN: Be positive this time around.

DEAN: Don't lock yourself in. You hear every,
HALDEMAN: Right.
DEAN: all --
PRESIDENT: Right.
DEAN: So you have another session or so, on it.
PRESIDENT: Yeah. The other point is that you be reminded so you get to it. Now, just assume, however, it happens so [unintelligible] insists that [unintelligible] you just, then, then, then it becomes essential then to put the Dean report out, it seems to me, and say, and then have the law suit.
EHRlichman: We can say that if he really -- I would say, "Well, okay, then, why don't we now discuss how we frame the legal issue here?" And, uh, and,uh, "Perhaps we can at least agree on how to frame the legal issues, so that instead of taking three years it will only take a year and a half."
HALDEMAN: Get it settled before this Administration leaves [unintelligible]
DEAN: They know that it's -depending upon who they are going after and the circumstances, that they've got a tough law suit ahead of them.

PRESIDENT: Uh huh.

DEAN: They've got to hire counsel to --

PRESIDENT: Yeah.

DEAN: It's going to cost money to brief it on their side. They don't have the government repre-- , you know they don't have the Department of Justice to handle their case; they've got to bring in special counsel who probably knows nothing about executive privilege, has to be educated. Uh, get the Library of Congress clanking away at getting all the precedents out and the like, and -- We've got all that. Of course, uh, it's, it's a major operation for them to bring in and they have to

EHRlichman: The other way --

DEAN: get a resolution of the Senate to do it, uh --

EHRlichman: Fortunately, Ervin is a Constitutional expert.

HALDEKAN: Yeah. He calls himself --

EHRlichkan: Self-certified. That's a Constitutional expert

PRESIDENT: Well, anyway,

EHRlichkan: While you do that --

PRESIDENT: the, uh -- Now, uh, we could -- Have you considered any other poss--, have you considered the other, all other possibilities you see here, John? You, you're the one who is supposed to --

DEAN: That's right. I think we,

PRESIDENT: You know the bodies.

DEAN: I think we've had a good go-round on --

PRESIDENT: You think, you think we want to, want to go this route now? And the -- Let it hang out, so to speak?

DEAN: Well, it, it isn't really that --

HALDEMAN: It's a limited hang out.

DEAN: It's a limited hang out.

EHRlichman: It's a modified limited hang out.

PRESIDENT: Well, it's only the questions of the thing hanging out publicly or privately.

DEAN: What it's doing, Mr. President, is getting you up above and away from it. And that's the most important thing.

PRESIDENT: Oh, I know. But I suggested that the other day and we all came down on, uh, remember we came down on, uh, on the negative on it. Now what's changed our mind?

DEAN: The lack of alternatives or a body.
[Laughter]

EHRlichman: We, we went down every alley. [Laughter]
Let it go over.

PRESIDENT: Well, I feel that at,uh, I feel that this is, that, uh, I feel that at the very minimum we've got to have the statement and, uh, let's look at it, whatever the hell it is. If, uh, if it opens up doors, it opens up doors, you know.

EHRlichman: John says he's sorry he sent those burglars in there, and that helps a lot.

PRESIDENT: That's right.

MITCHELL: You are very welcome, sir.
[Laughter]

HALDEMAN: Just glad the others didn't get caught.

PRESIDENT: Yeah, the ones we sent to Muskie and all the rest; Jackson, and Hubert, and, uh
[unintelligible]

EHRlichman: I get a little chill sitting over there in that part of the table there.

PRESIDENT: Yeah [unintelligible]. Getting pr--, I, I, I,

EHRlichman: Yeah.

PRESIDENT: I got to handle my Canadian friend

EHRlichman: Right.

PRESIDENT: at the moment. Incidentally, uh, you don't plan to have, uh, you weren't planning to have a press briefing [unintelligible]

EHRlichman: We hadn't planned it. It wouldn't hurt, uh --

PRESIDENT: [Unintelligible] 3:30 with John [unintelligible]. All right.

EHRlichman: He is going to talk to the press tomorrow.

PRESIDENT: Yeah, let's let it go. [Unintelligible]

UNIDENTIFIED: [Unintelligible]

PRESIDENT: Suppose you take it, you take care of it now [unintelligible] and I won't come over there. I -- you might, if you get

him waltzed around, you let me hear --

EHRlichman: All right.

PRESIDENT: It would be my thought then that I would then break it off at 4:30.

DEAN: All right. Fine.

MITCHELL: Four o'clock will be the minimum [unintelligible]

EHRlichman: I, I think both of you [unintelligible]

PRESIDENT: Yeah, I was thinking that we ought to, uh -- yeah, I understand. But, but no, Bob, what time is the -- is my take-off scheduled for 4:30 today?

UNIDENTIFIED: 4:30.

HALDEMAN: Yes, sir.

PRESIDENT: Well, we won't, we won't rush. George needs to talk, [unintelligible] get the chance to.

EHRlichman: [Unintelligible]

PRESIDENT: Yeah.

EHRlichkan: Three, uh, say fifteen, twenty minutes from now?

PRESIDENT: Sure, sure.

EHRlichman: Okay.

NOTE: At this point, a portion of the discussion has been deleted.

MITCHELL: [Unintelligible/**REMOVED**]

PRESIDENT: Yeah.

MITCHELL: Believe me, it's a lot of work.

PRESIDENT: Oh, great, I may [unintelligible]. Well, let me tell you, you've done a hell of a job here.

UNIDENTIFIED: [Unintelligible]

PRESIDENT: I didn't mean for you. I thought we had a boy here. No, you, uh, John, uh, carried a very, very heavy load. Uh, both Johns as a matter of fact, but, uh, I was going to say, uh, uh, John Dean is, uh [unintelligible] got -- put the fires out, almost got the damn thing nailed down till past the election and so forth. We all know what it is. Embarrassing God damn thing the way it went, and so forth. But, in my view, uh, some of it will come out; we will survive it. That's the way it is. That's the way you've got to look at it.

DEAN: We were within a few miles months ago, but, uh, we're

PRESIDENT: The point is, get the God damn thing over with

DEAN: That's right.

PRESIDENT: That's the thing to do. That's the other thing that I like about this. I'd like to get --But you really would draw the line on -- But, I know, we can't make a complete cave and have the people go up, there and testify. You would agree on that?

MITCHELL: I agree.

PRESIDENT: You agree on that, John?

DEAN: If we're in the posture of everything short of giving them a public session [unintelligible] and the whole deal. You're not hiding anything.

PRESIDENT: Yeah. Particularly if, particularly if we have the Dean statement.

DEAN: And they've been given out.

PRESIDENT: And your view about the Dean statement is to give that to the Committee and not make it public, however.

DEAN: That's correct, I think that's --

PRESIDENT: And say it's, uh --

MITCHELL: Give it to the Committee for the purpose -

PRESIDENT: -- the purpose of their investigatior.

MITCHELL: [Unintelligible] to limit the number of witnesses

PRESIDENT: Yeah.

MITCHELL: which are called up there, instead of a buck-shot operation.

PRESIDENT: And say here, and also say, "This may help you in your investigation."

MITCHELL: Right.

PRESIDENT: "This is everything we know, Mr. Senator." That's what I was preparing to say. "This is everything we know; I know nothing more. This is the whole purpose, and that's that. If you need any further information, my, our counsel will furnish it, uh, that is not in here." It'd be tempting to -- " But this is all we know. Now, in addition to that, you are welcome to have, have people, but you've got to have" -- I think that the best way to have it is in executive session, but

incidentally, you say executive session for those out of government as well as in?

MITCHELL: That's right.

PRESIDENT: Chapin and Colson should be called in.

DEAN: [Unintelligible]

PRESIDENT: I would think so.

MITCHELL: Sure. Because you have the same problem.

PRESIDENT: You see we ask -- but your point -- we ask for, uh, the privilege, and at least, you know, we, we, our statement said it applies to former as well as present [unintelligible]

DEAN: Now, our statement -- you leave a lot of flexibility that you normally -- for one thing, taking the chance appearing, and uh, however, informal relationships will always be worked out [unintelligible]

PRESIDENT: Informal relations.

DEAN: That's right.

MITCHELL: You have the same basis --

PRESIDENT: Well, it might. When I say that, that, that -- the written interrogatory thing is not as clear [unintelligible] maybe Ervin is making it that way, but I think that's based on what maybe, uh, we said that the -- I don't think I said we would only write, in, in the press conference, written interrogatories.

DEAN: That's right. I don't think --

PRESIDENT: I didn't say that at all.

DEAN: Ervin just jumped to that conclusion as a result of my letter to, uh --

PRESIDENT: I think that's what it was.

DEAN: I think that's what's happened.

PRESIDENT: Not that your letter was wrong -- it was right. But, uh, the whole written interrogatory, we didn't discuss other possibilities.

MITCHELL: With respect to your ex-employees, you have the same problem of getting into areas of privileged communications. You certainly can make a good case for keeping them in executive session.

PRESIDENT: That's right.

MITCHELL: [Unintelligible]

PRESIDENT: And, and in this sense the precedent for working -- you can do it in cases in the future, which [unintelligible] executive session, and then the privilege can be raised without having, uh, on a legal basis, without having the guilt by the Fifth Amendment, not like pleading the Fifth Amendment --

MITCHELL: Right.

PRESIDENT: the implication always being raised.

MITCHELL: [Unintelligible] and self-protection in that view?

PRESIDENT: What? Yeah.

DEAN: [Unintelligible] Fifth Amendment.

PRESIDENT: That's right. That's what we're going to do here.

MITCHELL: Those -- boy, this thing has to be turned around. Got to get you off the lid.

PRESIDENT: Right

DEAN: All right.

PRESIDENT: All right, fine, Chuck.

MITCHELL: Good to see you.

PRESIDENT: How long were you in Florida? Just, uh --

MITCHELL: I was down there overnight. I was four hours on the witness stand testifying for the government in these, uh, racket cases involving wiretapping. The God damn fool Judge down there let them go all over the lot and ask me any questions that they wanted to. Just ridiculous. You know, this had, all has to do with the discretionary act of signing a piece of paper that I'm authorized by the statute. There were twenty-seven hood lawyers that questioned me.

PRESIDENT: You know, uh, the, uh, you, you can say when I [unintelligible] I was going to say that the, uh -- [Picks up phone] Can you get me Prime Minister Trudeau in Canada, please. [Hangs up] I was going to say that Dean has really been, uh, something on this.

MITCHELL: That he has, Mr. President, no question about it, he's a very --

PRESIDENT: Son-of-a-bitching tough thing.

MITCHELL: You've got a very solid guy that's handled some tough things. And, I also want to say these lawyers that you have think very highly of him. I know that John spends his time with certain ones -

PRESIDENT: Dean? Discipline is very high.

MITCHELL: Parkinson, O'Brien.

PRESIDENT: Yes, Dean says it's great. Well, you know I feel for all the people, you know, I mean everybody that's involved. Hell, is all we're doing is their best to [unintelligible] and so forth. [Unintelligible]. That's, that's why I can't let you go, go down. John? It's all right. Come in.

DEAN: Uh --

PRESIDENT: Did you find out anything?

DEAN: I was, I went over to Ziegler's office. They have an office over there. Paul O'Brien'll be down here in a little while to see you. I'm going over to Ziegler's office and finish this up now.

MITCHELL: Are you coming back?

DEAN: Yes, I'll come back over here then.

MITCHELL: Okay.

PRESIDENT: Yeah. Well, when you come back -- he can, uh, is that office open for John now?

DEAN:

Yes.

PRESIDENT:

Then he can go over there as soon [unintelligible] this. But, uh, the, uh, the one thing I don't want to do is to -- Now let me make this clear. I, I, I thought it was, uh, very, uh, very cruel thing as it turned out -- although at the time I had to tell [unintelligible] -- what happened to Adams. I don't want it to happen with Watergate -- the Watergate matter. I think he made a, made a mistake, but he shouldn't have been sacked, he shouldn't have been -- And, uh, for that reason, I am perfectly willing to -- I don't give a shit what happens. I want you all to stonewall it, let them plead the Fifth Amendment, cover-up or anything else, if it'll save it -- save the plan. That's the whole point. On the other hand, uh, uh, I would prefer, as I said to you, that you do it the other way. And I would particularly prefer to do it that other way if it's going to come out that way anyway. And that my view, that, uh, with the number of jackass people that they've got that they can call, they're going to -- The story they get out through leaks, charges, and so forth, and innuendos, will be a hell of a lot worse than the story they're going to get out by just letting it out there.

MITCHELL: Well --

PRESIDENT: I don't know. But that's, uh, you know, up to this point, the whole theory has been containment, as you know, John.

MITCHELL: Yeah.

PRESIDENT: And now, now we're shifting. As far as I'm concerned, actually from a personal standpoint, if you weren't making a personal sacrifice -- it's unfair -- Haldeman and Dean. That's what Eisenhower -- that's all he cared about. He only cared about -- Christ, "Be sure he was clean." Both in the fund thing and the Adams thing. But I don't look at it that way. And I just -- That's the thing I am really concerned with. We're going to protect our people, if we can.

MITCHELL: Well, the important thing is to get you up above it for this first operation. And then to see where the chips fall and, uh, and, uh, get through this Grand Jury thing up here. Uh, then the Committee is another question. [Telephone rings] What we ought to have is a reading as to what is [telephone rings] coming out of this Committee and we, if we handle the cards as it progresses. [Telephone rings]

PRESIDENT: Yeah. But anyway, we'll go on. And, uh, I think in order -- it'll probably turn just as well, getting them in the position of, even though it hurts for a little while.

MITCHELL: Yeah.

PRESIDENT: You know what I mean. People say, "Well, the President's [unintelligible]," and so forth. Nothing is lasting. You know people get so disturbed about [unintelligible]. Now, when we do move [unintelligible] we can move, in a, in a, in a, in the proper way.

MITCHELL: If you can do it in a controlled way it would help and good, but, but, but the other thing you have to remember is that this stuff is going to come out of that Committee, whether --

PRESIDENT: That's right.

MITCHELL: And it's going to come out no matter what.

PRESIDENT: As if, as if I, and then it looks like I tried to keep it from coming out.

MITCHELL: That's why it's important that that statement go up to the Committee.

PRESIDENT: [Picks up phone] Hello. I don't want to talk. Sure. [Hangs up] Christ. Sure, we'll --

MITCHELL: It's like these Gray, Gray hearings. They had it five days running that the files were turned over to John Dean, just five days running -- the same story.

PRESIDENT: Same story.

MITCHELL: Right.

PRESIDENT: The files should have been turned over.

MITCHELL: Just should have, should have demanded them. You should have demanded all of them.

PRESIDENT: [Unintelligible] what the hell was he doing as Counsel to the President without getting them? He was -- I told him to conduct an investigation, and he did.

MITCHELL: I know.

PRESIDENT: Well, it's like everything else.

MITCHELL: Anything else for us to --

PRESIDENT: Get on that other thing. If Baker can -- Baker is not proving much of a reed up to this point. He's smart enough.

MITCHELL: Howard is smart enough, but, uh, we've got to carry him. Uh, I think he has and I've been puzzling over a way to have a liaison with him and, and, uh -

PRESIDENT: He won't talk on the phone with anybody according to Kleindienst. He thinks his phone is tapped.

MITCHELL: He does?

PRESIDENT: Who's tapping his phone?

MITCHELL: I don't know.

PRESIDENT: Who would he think, who would he think would tap his phone? I guess maybe that we would.

MITCHELL: I don't doubt that.

PRESIDENT: He must think that Ervin --

MITCHELL: Maybe.

PRESIDENT: Or, or a newspaper.

MITCHELL: Newspaper, or, or the Democratic Party, or somebody. There's got to be somebody to liaison with Kleindienst to get in a position where -- It's all right from foreknowledge through Kleindienst.

PRESIDENT: You really wonder if you take Wally Johnson and, uh -- He's a pretty good boy, isn't he?

MITCHELL: Yeah. [Unintelligible]

PRESIDENT: You might, you might throw that out to Dean. Dean says he doesn't want to be in such a, such a public position. He talked to the Attorney General [unintelligible] Wally Johnson. And he said that --

MITCHELL: Well, he will be in the Department,

PRESIDENT: Yeah.

MITCHELL: talking to the Department.

PRESIDENT: [Unintelligible] Mansfield's down there --

MITCHELL: Everything else under control?

PRESIDENT: Yeah, we're all doing fine. I think, though, that as long as, uh, everyone and so forth is a, uh - [unintelligible] still [unintelligible]

MITCHELL: All of Washington -- the public interest in this thing, you know.

PRESIDENT: It isn't nash -- [unintelligible] er, national [unintelligible] concerns me. [Unintelligible]

MITCHELL: Just in time.

PRESIDENT: But the point is that, uh, I don't -- There's no need for [unintelligible]. I have nothing but intuition, but hell, I don't know. I, but -- Again you really have to protect the Presidency, too. That's the point.

MITCHELL: Well this does no violence to the Presidency at all, this concept --

PRESIDENT: The whole scenario.

MITCHELL: Yeah.

PRESIDENT: No, it, uh, uh, d--, that's what I mean. The purpose of this scenario is to clean the Presidency. [Unintelligible] what they say "All right. Here's the report, we're going to cooperate with the Committee," and so forth and so on. The main thing is to answer [unintelligible] and that should be a God damned satisfactory answer, John.

MITCHELL: It should be.

PRESIDENT: Shouldn't it.

MITCHELL: It answers all of their complaints they've had to date.

PRESIDENT: That's right. They get cross-examination.

MITCHELL: Right. They get everything but the public spectacle.

PRESIDENT: Public spectacle. And the reason we don't have that is because you have to argue

MITCHELL: They have to argue and --

PRESIDENT: on a legal, matter and you don't want them to be, uh, used as a, uh, uh, for unfairly, to, to have somebody charged.

MITCHELL: It's our fault that you have somebody charged with not answering the Committee's questions [unintelligible] to John, make sure you put it in, make sure that you put it again in the argument, the clean record, and that's the reason why you have an executive session. Because the record that comes out of it is clean. But, uh, in areas of dispute --

PRESIDENT: I'd rather think, though, that all of their yakking about this, uh, we often said, John -- we've got problems.

MITCHELL: [Unintelligible]

PRESIDENT: Might cost them [unintelligible]. Think of their problems. They, those bastards are really -- they're just really something. Where is their leadership?

MITCHELL: They don't have any leadership, and they're leaping on every new issue.

NOTE: At this point; portion of the discussion has been deleted.
